

<p style="text-align: center;"><b>FACT SHEET</b> <b><u>AB 843 (Assembly Member Block):</u></b> <b>Adverse Actions: State Employees</b></p>
--

**Summary:**

AB 843 aligns adverse action procedures for state managerial employees to those for rank and file employees. Current law places the “burden of proof” on a managerial employee to disprove the reasons for an adverse action. This bill would correct this disparity and make a uniform procedure for all state employees, regardless of management status.

**Problem:**

Existing law prescribes different procedures for managers and non-managers for adverse actions. Currently, when a managerial employee is the subject of an adverse action that could result in dismissal or demotion, the burden of proof is placed upon the management employee to disprove the charges. Under current law, it is presumed that the action taken against them is free from both fraud and bad faith and that the reasons stated for the disciplinary action are true. For other state employees, the burden of proof rests with the employer.

**Solution:**

AB 843 would correct the disparity between managerial and non-managerial employees for adverse actions. In doing so, it removes the provision that places the burden of proof on the managerial employee and eliminates the presumption that the adverse actions were free from fraud and bad faith. The statement of reason for the disciplinary action would no longer be accepted as true. This bill equalizes the disciplinary treatment of state employees at every level and ensures fairness.

**Background:**

The standard procedures for the State Personnel Board in adverse actions are to first conduct an investigation into the claims made against the employee. The board must then determine if there is substantial evidence to support the claim. After consideration of the evidence, the board would either affirm the disciplinary action or reinstate the employee. If affirmed, the claim proceeds to a hearing before the State Personnel Board.

**For More Information:**

Melissa Dye, Legislative Assistant  
(916) 319-2078, [Melissa.Dye@asm.ca.gov](mailto:Melissa.Dye@asm.ca.gov)